

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Judith Le	Team: Squad #8	CCRB Case #: 201608442	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tue, 10/04/2016 3:45 PM	Location of Incident: [REDACTED]	Precinct: 90	18 Mo. SOL 04/04/2018	EO SOL 4/4/2018	
Date/Time CV Reported Wed, 10/05/2016 9:23 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 10/05/2016 9:23 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Stephen Loffredo	02241	[REDACTED]	090 PCT
2. SGT Theohari Koumniotes	4591	[REDACTED]	090 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Wegens Desiste	20235	[REDACTED]	090 PCT

Officer(s)	Allegation	Investigator Recommendation
A. POM Stephen Loffredo	Abuse of Authority: Police Officer Stephen Loffredo searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	[REDACTED]
B. POM Stephen Loffredo	Abuse of Authority: Police Officer Stephen Loffredo refused to provide his name and shield number to § 87(2)(b)	[REDACTED]
C. SGT Theohari Koumniotes	Abuse of Authority: Sergeant Theohari Koumniotes refused to provide his name and shield number to § 87(2)(b)	[REDACTED]
D. SGT Theohari Koumniotes	Abuse of Authority: Sergeant Theohari Koumniotes seized § 87(2)(b)'s property.	[REDACTED]

Case Summary

On October 4, 2016, at approximately 3:45 p.m., § 87(2)(b) and § 87(2)(b) were parked in front of a fire hydrant at § 87(2)(b) in Brooklyn when they were stopped by PO Stephen Loffredo, Sgt. Theohari Koumniotes and PO Wegens Desiste of the 90th Precinct for tinted windows and a license plate cover. § 87(2)(b) and § 87(2)(b) provided the officers with their license, registration and insurance information. They informed the officers that the car was registered to § 87(2)(b)'s husband, Elgin § 87(2)(b). PO Loffredo instructed § 87(2)(b) to roll down the car windows. Shortly thereafter he allegedly began searching inside the car (**Allegation A**). § 87(2)(b) who felt that she was not being treated respectfully, asked PO Loffredo and Sgt. Koumniotes for their names and shield numbers. PO Loffredo and Sgt. Koumniotes allegedly put their shields in their shirts and did not provide their names (**Allegations B and C**). After a check on § 87(2)(b) returned an open warrant, backup arrived to take him to the stationhouse. Despite the fact that § 87(2)(b) was a licensed driver, Sgt. Koumniotes allegedly ordered PO Desiste and PO Loffredo to take § 87(2)(b)'s car for "safekeeping" (**Allegations D**).

There is no video footage available, capturing this incident.

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation § 87(2)(b), § 87(2)(b) deferred to § 87(2)(b)'s decision, as she felt that he had been more impacted by the interaction with the police.
- A search of BADS revealed § 87(2)(b) has no prior criminal arrests (see Board Review #1).
- A search of BADS revealed that § 87(2)(b) had § 87(2)(b) (see Board Review #2).
- As of November 30, 2016, a notice of claim has not been filed by § 87(2)(b) (see Board Review #3).
- As of November 30, 2016, a notice of claim has not been filed by § 87(2)(b) (see Board Review #4).

Civilian and Officer CCRB Histories

- PO Loffredo has been a member of the NYPD for six years. He currently has an additional pending investigation, CCRB #201609123. PO Loffredo has been a subject in three prior cases, totaling eight allegations. In CCRB case # 201401621 three allegations of abuse (frisk), abuse (search of person) and abuse (stop) were substantiated against him and a disposition of command discipline A/command level instructions. § 87(4-b), § 87(2)(g) In CCRB case #201401621, an abuse allegation for search (of person) was substantiated with a disposition of command level instructions (see Board Review #5).
- Sgt. Koumniotes has been a member of the NYPD eight years. He currently has an additional pending investigation, CCRB #201609123. Sgt. Koumniotes has been a subject in four prior cases, totaling four allegations. § 87(2)(g) (see Board Review #6).
- This is § 87(2)(b)'s first CCRB complaint (see Board Review #7).
- This is § 87(2)(b)'s first CCRB complaint (see Board Review #8).

Findings and Recommendations

Allegation A – Abuse: Police Officer Stephen Loffredo searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

It is undisputed that § 87(2)(b) and § 87(2)(b) were parked in front of a fire hydrant at 167 Scholes Street when they were stopped by PO Loffredo, Sgt. Koumniotes and PO Desiste. § 87(2)(b) was driving his stepfather, Elgin § 87(2)(b)'s 2013 dark gray Ford Taurus, which had tinted windows and a license plate cover. § 87(2)(b) an employee of the § 87(2)(b) — § 87(2)(b) — had left his § 87(2)(b) in the car. In dispute are the events that transpired thereafter.

§ 87(2)(b) stated (see Board Review #9) that her son, § 87(2)(b) was in the process of dropping her off at her mother-in-law's home, when he was stopped by an officer with a gold shield, identified through investigation as Sgt. Koumniotes, who told him that he couldn't park in front of a fire hydrant. After Sgt. Koumniotes instructed § 87(2)(b) to get back into the car, he and two other officers, identified through investigation as PO Desiste and PO Loffredo, began telling § 87(2)(b) and § 87(2)(b) about a recent spate of robberies involving people impersonating police officers and driving cars resembling NYPD vehicles. § 87(2)(b) told Sgt. Koumniotes that they were not trying to impersonate anyone. Sgt. Koumniotes asked § 87(2)(b) to step out of the car and he got out, leaving the driver-side door open. § 87(2)(b) was sitting in the passenger seat. PO Loffredo asked § 87(2)(b) if there was any contraband in the car. § 87(2)(b) asked PO Loffredo what he was talking about and explained that the car belonged to her husband, § 87(2)(b). She noted that her husband's coat, which was clearly marked § 87(2)(b) was sitting on the driver-side of the backseat. There was also an open plastic container with about six liquor bottles in the backseat that she was bringing with her to her mother-in-law's house. § 87(2)(b) explained to PO Loffredo that because her husband § 87(2)(b) PO Loffredo then leaned into the driver's side of the car and began looking around. Half of his body was in the front of the vehicle and he examined two baseball hats that were located in the side pocket of the driver-side door. § 87(2)(b) asked PO Loffredo what he was doing, and he told her that she needed to listen. § 87(2)(b) felt like PO Loffredo was acting belligerently and told him not to speak to her in that manner. Sgt. Koumniotes, who had been standing by § 87(2)(b) instructed her to listen to PO Loffredo. § 87(2)(b) explained to Sgt. Koumniotes that the car belonged to her husband and attempted to call § 87(2)(b) on her iPhone, which was in a pink case, when Sgt. Koumniotes told her, "I feel like my life is in jeopardy. Put the phone down." § 87(2)(b) complied. PO Loffredo then reached into the backseat window and began looking through the pockets of § 87(2)(b)'s jacket. As he was conducting the search, he kept asking § 87(2)(b) about contraband.

§ 87(2)(b) (see Board Review #10) testified he was getting his mother, § 87(2)(b)'s, bag from the trunk when he saw a silver vehicle back up and three men, identified through investigation as PO Loffredo, Sgt. Koumniotes and PO Desiste, get out. PO Loffredo informed § 87(2)(b) that he was being stopped for tints, and PO Desiste told him he was being stopped because he was parked in front of a fire hydrant. PO Desiste also noted previous instances involving people driving around in police vehicles and performing robberies. PO Loffredo asked § 87(2)(b) to get in the vehicle and lower all the car windows. § 87(2)(b) decided to comply because he had nothing to hide. He noted that the officers were looking around the

vehicle. In the car, a lot of his stepfather, § 87(2)(b) stuff was on the backseat floor, including his uniform and hat. PO Loffredo stuck his arm through a two to three inch opening in the passenger seat window and touched the insides of the car. He had his flashlight out and stuck his hand in the compartments behind the seats. PO Loffredo asked § 87(2)(b) who the hat belonged to; who worked for § 87(2)(b); whose jacket it was. After looking around the car, the officers asked § 87(2)(b) and § 87(2)(b) for their license and registration, which they provided. § 87(2)(b) told Sgt. Koumniotes that he could call § 87(2)(b) to prove vehicle ownership. Sgt. Koumniotes agreed and § 87(2)(b) called § 87(2)(b) who told Sgt. Koumniotes that § 87(2)(b) had taken his car, was dropping off his mother and then heading back uptown.

§ 87(2)(b) (see Board Review #11) stated that on November 4, 2016, he lent his stepson, § 87(2)(b) his car, a 2013 gray Ford Taurus. He did not think that his car looked like a police vehicle, and had never been asked if he was trying to impersonate a police officer. § 87(2)(b) was using his car to pick up his mother, § 87(2)(b) from the school where she worked. He noted that he and § 87(2)(b) were in the process of moving and in the car's backseat was an open bin of closed liquor bottles as well as his § 87(2)(b) uniform and vest, which he usually kept in the trunk. He also noted that he had some § 87(2)(b) in the door panel. He did not have any contraband in the vehicle. § 87(2)(b) called § 87(2)(b) after § 87(2)(b) had been pulled over in front of a fire hydrant. She told him that the police kept asking who the vehicle belonged to, and told him that she kept telling them it belonged to her husband. § 87(2)(b) then spoke to an officer, identified through investigation as Sgt. Koumniotes. Sgt. Koumniotes said, "Hi, are you § 87(2)(b) § 87(2)(b) replied, "Yes," and was about to give the officer the information needed to go through the protocol of verifying his employer, when Sgt. Koumniotes hung up on him. He estimated that he spoke to Sgt. Koumniotes for less than a minute.

PO Loffredo (see Board Review #12) testified that he was serving as vehicle operator, when he saw a car that looked like a police vehicle double-parked and idling on the left side the street. It was a generic Ford Taurus with dark tinted windows, dark gray plate covers and a hockey puck shaped antenna mounted on the trunk. PO Loffredo noted that there had recently been a number of incidents involving police impersonations and there was currently a city-wide police impersonation robbery pattern. He added that when that when he, Sgt. Koumniotes and PO Desiste saw a cop car, they usually drove by to see if they could identify any of the occupants. As they drove by the vehicle, they didn't recognize any of the occupants and a group decision was made to execute a traffic stop based on the following VTL infractions: license plate cover, window tints and parking in front of a fire hydrant. PO Loffredo reversed the car and initiated a traffic stop. He noted that the he was the contact officer for § 87(2)(b) and Sgt. Koumniotes was the contact officer for § 87(2)(b) Robinson. PO Loffredo explained that they were being stopped for a plate cover and tinted windows. He noted that once the stop became initiated, § 87(2)(b) became belligerent and was asking the officers why they were bothering and stopping her. PO Loffredo was concerned about a potential officer impersonation because § 87(2)(b) had no legal explanation for why there was a § 87(2)(b) in the car. PO Loffredo could not recall if anyone attempted to reach out to § 87(2)(b)'s father, as he was focused on § 87(2)(b). PO Loffredo asked § 87(2)(b) to roll down the windows because of the tints, and PO Loffredo wanted to make sure there wasn't anyone in the backseat. When the windows were rolled down, PO Loffredo was standing next to the pillar between the driver's door

and the back door and saw a large milk crate with open bottles of wine and an § 87(2)(b). PO Loffredo stated that at that time, he did not stick his torso or arm into the window. He could not recall if he touched the milk crate. PO Loffredo noted that it was only after § 87(2)(b) was arrested, that he conducted a quick field search of the vehicle in the “grab-able areas” to make sure there was nothing that could be hazardous to PO Loffredo and the car was operable.

Sgt. Koumniotes stated (see Board Review #13) that they were traveling eastbound when they noticed a car with dark, tinted windows and a rear license plate cover. As they got closer, they noticed a light package, most commonly seen in NYPD vehicles. Sgt. Koumniotes thought it was possible that this was an officer impersonation, since he’d had two officer impersonations in the months prior. After they stopped the car, PO Loffredo informed § 87(2)(b) they were stopping the car for tinted windows. PO Loffredo asked § 87(2)(b) for his license, registration and proof of insurance. The passenger in the car, § 87(2)(b) had an attitude and began yelling, “Why are you guys pulling us over for? We’re just trying to go home.” § 87(2)(b) told Sgt. Koumniotes that her husband was a cop. When she told him that, he looked in the car and saw something § 87(2)(b) and a crate of liquor behind the passenger seat. A license check on § 87(2)(b) returned an open warrant. Sgt. Koumniotes testified that it was only after § 87(2)(b) was placed under arrest that PO Loffredo searched the open areas of the vehicle and looked at the jacket. Sgt. Koumniotes stated that PO Loffredo would not have felt safe searching the vehicle with another person in the car, but noted that he could not recall if he saw PO Loffredo reach into the car prior to § 87(2)(b)’s arrest.

PO Desiste (see Board Review #14) testified that he was driving with Sgt. Koumniotes and PO Loffredo when they saw a 4-door sedan double-parked on § 87(2)(b). The car had covered plates, darkly tinted windows, as well as a hockey puck antenna in the back of the trunk, which caused suspicion. PO Desiste added that there had recently been people, dressed as police officers, committing robberies in the area. He noted that as an anti-crime officer, he was aware of the conditions, though he could not recall how many incidents had recently occurred. After stopping the vehicle, he, Sgt. Koumniotes and PO Loffredo saw, in plain view, a § 87(2)(b) on the front windshield, as well as a hat that resembled a police hat (without the emblem) and a jacket labeled § 87(2)(b). PO Desiste was standing behind PO Loffredo on the driver’s side and Sgt. Koumniotes stood by the passenger side. § 87(2)(b) stated that the car belonged to his mother, § 87(2)(b)’s boyfriend who worked for the § 87(2)(b). He noted that Sgt. Koumniotes spoke to the owner of the vehicle while on scene, but did not know what the conversation entailed. PO Desiste stated he was in the back of the car placing § 87(2)(b) in custody due to an open warrant and could not tell where PO Loffredo and Sgt. Koumniotes were because everyone was moving around. He did not remember seeing PO Loffredo stick his body in to the vehicle or search the car. PO Desiste described § 87(2)(b) as irate, nervous and loud because she was not happy with the car stop.

Law enforcement officers may conduct a warrantless search of a vehicle when there is probable cause to believe that evidence of a crime or contraband will be found as a result of the search. *Carroll v. United States*, 267 U.S. 132 (1925) (see Board Review #15). Generally, “absent probable cause, it is unlawful for a police officer to invade the interior of a stopped vehicle once the suspects have been removed and patted down without incident, as any immediate threat to the

officers' safety has consequently been eliminated." *People v. Mundo*, 99 N.Y.2d 55 (2002) (see Board Review #16). Police may search incident to arrest only the space within an arrestee's "immediate control," meaning the area from within which he might gain possession of a weapon or destructible evidence." *Arizona v. Gant*, 556 U.S. 332 (2009) (see Board Review #17).

PO Desiste, PO Loffredo and Sgt. Koumniotes all testified that § 87(2)(b)'s vehicle was stopped for: tinted windows, a covered license plate, and parking in front of a fire hydrant. All noted recent incidents in the area involving police impersonations and specific attributes about the car—a 2013 dark gray Ford Taurus with a § 87(2)(b)—raised their suspicions. § 87(2)(b) and § 87(2)(b) both testified that the officers made comments to them regarding police impersonation. § 87(2)(b) stated that she told Sgt. Koumniotes that they were not impersonating anyone and the car belonged to her husband, § 87(2)(b). § 87(2)(b) later spoke to Sgt. Koumniotes on the phone. § 87(2)(b) and § 87(2)(b) both testified that during the stop, while both still occupied the vehicle, PO Loffredo stuck his arm and torso through the front and back windows and began searching the contents of the car. § 87(2)(b) also said that as he searched the vehicle, PO Loffredo repeatedly asked if there was any contraband. PO Desiste claimed that he did not remember seeing PO Loffredo stick his body in the car. Sgt. Koumniotes also could not recall if PO Loffredo searched the vehicle prior to arrest, but noted that PO Loffredo would not have felt safe searching a vehicle with another person in the car. PO Loffredo testified that he only searched the vehicle incident to arrest. Under the *Carroll* guidelines, probable cause must exist for officers to conduct a warrantless search of a vehicle. In this instance, § 87(2)(g)

As § 87(2)(b) was subsequently arrested for an open warrant,

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation B - Abuse: Police Officer Stephen Loffredo refused to provide his name and shield number to § 87(2)(b)

Allegation C - Abuse: Sergeant Theohari Koumniotes refused to provide his name and shield number to § 87(2)(b)

§ 87(2)(b) (see Board Review #9) stated that in response to their aggression, she asked Sgt. Koumniotes and PO Loffredo for their names and badge numbers. At the time, Sgt. Koumniotes was standing next to the passenger-side and PO Loffredo was standing by the driver-side. PO Desiste was standing in the back of the car with § 87(2)(b). Both PO Loffredo and Sgt. Koumniotes put their shields inside of the shirts and did not provide their names. When § 87(2)(b) filed this complaint, she still did not know the officers' names and identified them by their race and shield colors.

§ 87(2)(b) (see Board Review #10) testified to hearing § 87(2)(b) ask the officers for their names and badges so she could know where they were taking him. He did not have a chance to hear their response as he was placed in the back of the police vehicle.

PO Loffredo (see Board Review #12) stated that he was never asked for his name and badge number. He noted that in general, at the conclusion of an encounter, anti-crime officers usually put their shield back inside their shirt because it was a plainclothes unit. In this interaction, he said that his badge was around his neck the entire interaction and was never removed or placed inside his shirt. PO Loffredo said that if § 87(2)(b) had asked for his name, he would have given it to her.

Sgt. Koumniotes (see Board Review #13) said that § 87(2)(b) never asked him for his name or badge number. He did not put his badge inside his shirt or hear her ask PO Loffredo for his name or badge number.

PO Desiste (see Board Review #14) said § 87(2)(b) did not ask him for his name and badge, though he asked her if she wanted it and told her she could also get his name from the summons. He did not hear her ask for PO Loffredo or Sgt. Koumniotes for their badge number or names. He did not see them turn their shields.

Patrol Guide Procedure 203-09 states that officers must courteously and clearly state their rank, name, shield number, and command, or otherwise provide them, to anyone who requests it (see Board Review #18).

§ 87(2)(g) While § 87(2)(b) stated that she asked the officers for their name and badge numbers, and § 87(2)(b) testified to hearing this request, only § 87(2)(b) saw the officers hide their shields and refuse to provide their name. § 87(2)(b) was placed in a police vehicle before he could hear their response. PO Loffredo and Sgt. Koumniotes denied that § 87(2)(b) ever asked them for their names or badge numbers. Both asserted that they never put their shields away to avoid providing their badge number. § 87(2)(g) Even when she filed their complaint, § 87(2)(b) still did not have any knowledge of the officers' names or shield numbers. She identified them by their race and shield colors. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation D – Abuse: Police Officer Stephen Loffredo seized § 87(2)(b)'s property. It is undisputed that § 87(2)(b)'s car was brought back to the stationhouse. In question, is whether the vehicle needed to be removed from the scene for “safekeeping.”

§ 87(2)(b) (see Board Review #9) testified that after § 87(2)(b) was asked to provide his license and registration, § 87(2)(b) was asked to provide her ID, which she did, along with

her registration and insurance. She overheard Sgt. Koumniotes instructing an officer to put § 87(2)(b) in the back of the police car and tell another officer to drive her car. § 87(2)(b) saw PO Desiste and asked him what was going on. He told her to relax because she was getting upset. § 87(2)(b) thought they were receiving a summons for the stop and did not understand why they were taking her car. No one gave § 87(2)(b) an answer. § 87(2)(b) was irritated and asking the officer why and what was going on. She did not understand why the police would need to take the car for safekeeping because she a valid driver's license, had never received a ticket and could drive. After taking an Uber to the stationhouse, she showed PO Desiste her insurance information on the Geico app. It showed the vehicle was registered to § 87(2)(b) and that they all shared the same address. He said he would release her car and made her sign a release form. When the car was returned, § 87(2)(b) noted that it had been ransacked. In a follow up phone statement (see Board Review #19), § 87(2)(b) stated that she was not sure if her son showed a copy of the insurance on scene. She tried to show Sgt. Koumniotes the insurance verification on her phone, but he told her to put her phone away because he felt unsafe. She noted that the Geico app showed both she and § 87(2)(b) under the policy, with the same address attached. Despite several requests by the undersigned, § 87(2)(b) did not provide a copy of the insurance presented to the CCRB.

§ 87(2)(b) (see Board Review #10) stated that after he provided the officers with his license and registration, he was asked to step out of the vehicle, patted down and placed in handcuffs. PO Desiste wrote § 87(2)(b) a summons for tints and another for having a license plate cover, but did not give them to him. § 87(2)(b) asked why he was being arrested when he was being issued a traffic summons. PO Desiste explained that they would check for any open warrants at the stationhouse, and if he had any open warrants, he would be processed. A silver car containing two additional officers arrived. § 87(2)(b) was asked to leave their car, and an officer informed § 87(2)(b) that they were taking his car. § 87(2)(b) did understand why the needed to take the vehicle since both he and his mother were licensed drivers.

§ 87(2)(b) (see Board Review #11) stated that § 87(2)(b) called § 87(2)(b) after § 87(2)(b) had been pulled over in front of a fire hydrant. She told him that the police kept asking who the vehicle belonged to, and told him that she kept telling them it belonged to her husband. § 87(2)(b) then spoke to an officer, identified through investigation as Sgt. Koumniotes. § 87(2)(b) was about to provide Sgt. Koumniotes the information needed to go through the protocol of verifying his employer, when Sgt. Koumniotes hung up on him.

PO Loffredo (see Board Review #12) stated that he asked § 87(2)(b) for his license, registration and insurance, but could not recall if he asked § 87(2)(b) for any documentation. § 87(2)(b) was not the registered owner of the vehicle and when PO Loffredo asked him who the registered owner was, he replied that the vehicle belonged to his father, § 87(2)(b). PO Loffredo took the documentation back to the police vehicle to issue a summons. A DMV check returned that § 87(2)(b) had an active warrant. PO Loffredo returned to the car, informed him about the open warrant and placed him under arrest. PO Loffredo noted that generally when somebody is arrested, if there is a vehicle on scene, they release it to a family member of the registered owner. In this instance, the registered owner was neither the driver nor passenger. The vehicle was not registered to or insured to § 87(2)(b) and she provided no documentation that showed her name. PO Loffredo stated that he could not give a stranger someone's car. He

noted in those instances, the protocol was to voucher the vehicle for safekeeping until the owner could come and pick it up. PO Loffredo said this was explained to § 87(2)(b) and § 87(2)(b). He could not recall their response. The vehicle was then removed from scene. PO Loffredo assisted PO Desiste in conducting inventory on the car. At some point during the vouchering of vehicle, § 87(2)(b) returned to the precinct stationhouse. She was there with official documentation from the insurance company, which she presented to PO Desiste. PO Loffredo did not see the documents, but later learned that on the insurance card provided, she was listed as an authorized driver for the vehicle. PO Loffredo noted that with the documentation presented, they were able to legally, and within department guidelines, release the property to her without having to voucher it.

Sgt. Koumniotes (see Board Review #13) said that § 87(2)(b) told him that her husband, § 87(2)(b) was § 87(2)(b). She offered to call § 87(2)(b) and have him verify the fact. Sgt. Koumniotes agreed, but noted that there was no way for him to verify who the man actually was. § 87(2)(b) then called the man, who identified himself as § 87(2)(b) and said he worked for some § 87(2)(b). He asked if they could release the car to his son, § 87(2)(b). Sgt. Koumniotes said that would be determined on the warrant check. He noted during his testimony, however, that regardless of § 87(2)(b)'s wishes, there was no way to verify who he was. PO Loffredo then ran § 87(2)(b)'s license, which returned a warrant. The insurance card listed § 87(2)(b) but not § 87(2)(b) or § 87(2)(b). Sgt. Koumniotes did later verify § 87(2)(b)'s identity by calling § 87(2)(b) when he arrived at the stationhouse. He stated that he did not check on-site because § 87(2)(b) was in handcuffs and § 87(2)(b) was screaming. He did not feel that it was a safe environment. Sgt. Koumniotes noted that in general, they needed to see proof of title, registration or insurance with the name of someone on scene in order to release a vehicle to that person. Because they did not have one, they asked § 87(2)(b) to step out of the car. Sgt. Koumniotes decided to bring the car back to the stationhouse and instructed PO Loffredo to drive § 87(2)(b)'s car back. At this point, § 87(2)(b) began screaming, "No, he's not getting in my fucking car. Get the fuck out of my car. I'm not letting you take my car." Sgt. Koumniotes noted that he was not going to release the car to someone whose name was not on the insurance or registration and the decision was not up to her. After Sgt. Koumniotes left the stationhouse, PO Desiste called him to say that § 87(2)(b) had returned with an updated insurance card, which had her listed on the car. Sgt. Koumniotes instructed PO Desiste to first complete the vehicle inventory, and then return the car to § 87(2)(b).

PO Desiste (see Board Review #14) testified that he was pretty sure that it was PO Loffredo who asked § 87(2)(b) for his license, registration and insurance card. The insurance card provided was expired, and § 87(2)(b) was informed that the insurance card provided was not valid. She did not offer to show the officers any valid insurance. § 87(2)(b)'s license check then returned an outstanding warrant, and the officers proceeded to place § 87(2)(b) under arrest. § 87(2)(b) became irate, and said that the warrant was a ghost warrant and that the police couldn't take the car or § 87(2)(b) in. PO Desiste asked § 87(2)(b) to get out of her car and she again replied that they couldn't take her car. PO Desiste then explained that even though she was licensed to drive, because she was not listed as a driver or registered owner, they had to take her car. She told the police to screw themselves. She asked PO Desiste if he could drive her car, but Sgt. Koumniotes denied the request, and had PO Loffredo take it. § 87(2)(b) later came to the stationhouse. PO Desiste again explained to § 87(2)(b) that her car had been

taken for safekeeping and the only way to get it back was to either have § 87(2)(b) come down and retrieve it or show proof that she was a listed driver on the vehicle. § 87(2)(b) told PO Desiste that she was listed as a driver on the insurance. PO Desiste asked § 87(2)(b) if she had a valid insurance card, because the one she had provided on scene had expired. § 87(2)(b) then showed PO Desiste a document on her phone that verified she was a listed driver. PO Desiste noted that this was different from the insurance card that § 87(2)(b) had shown earlier. Because the insurance was valid, PO Desiste had her sign a release form and released the car to her.

Patrol Guide Procedure 218-48 states that vehicles registered or titled to third parties (e.g. defendant's parents, spouse, friends, relatives, or business entities) are generally not seized for forfeiture [where the vehicle operator was arrested for a crime] unless a beneficial ownership situation exists or some specific knowledge on the part of that third party owner can be proven (see Board Review #20). Patrol Guide 218-12 states that a vehicle may be safeguarded at the command for forty-eight hours when not required as evidence or not the subject of forfeiture procedures (see Board Review #21).

In this instance, the vehicle driven by § 87(2)(b) was registered to § 87(2)(b)'s stepfather and § 87(2)(b)'s husband. § 87(2)(b) was not on scene, but spoke briefly to Sgt. Koumniotes. § 87(2)(b) was licensed to drive the vehicle. In her original testimony, she stated that § 87(2)(b) gave the officers the vehicle registration and insurance information. She also tried to call § 87(2)(b) to verify his identity, but Sgt. Koumniotes told her to put her phone away as he felt unsafe. In a follow-up phone call, however, § 87(2)(b) stated she could not remember if § 87(2)(b) had provided a copy of the insurance and that it was actually when she attempted to show Sgt. Koumniotes the vehicle insurance on her phone that he told her to put it away because it made him feel unsafe. § 87(2)(g)

§ 87(2)(b) testified that he informed the officers that the car belonged to his stepfather, § 87(2)(b) and provided the officers with his license and registration. He did not mention providing any insurance paperwork. PO Desiste stated that an insurance card was presented on scene, but was not valid. He stated that § 87(2)(b) was informed of this and did not show valid insurance until later at the stationhouse. PO Loffredo and Sgt. Koumniotes both testified the vehicle was not registered to or insured to § 87(2)(b) and that without that verification, the protocol was to voucher the vehicle for safekeeping until the owner could come and pick it up. § 87(2)(g)

While Patrol Guide Procedure 218-48 states that vehicles registered to third parties, here § 87(2)(b) are generally not seized for forfeiture—PO Loffredo and Sgt. Koumniotes stated that there was no way to verify whether or not the voice on the phone belonged to § 87(2)(b) § 87(2)(g) however, as Sgt. Koumniotes did later verify that § 87(2)(b) worked for § 87(2)(b). § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Squad: 8

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date